

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

MICHAEL L'HEUREUX,

Plaintiff,

vs.

BNSF RAILWAY COMPANY, a Delaware  
corporation;

Defendant.

**8:23CV327**

**FINAL PROGRESSION ORDER  
(AMENDED)**

IT IS ORDERED that Plaintiff Michael L'Heureux's unopposed motion to modify the final progression order, [Filing No. 17](#), is granted. The unexpired deadlines in the final progression order, [Filing No. 13](#), are amended as follows:

- 1) The trial and pretrial conference will not be set at this time. A status conference to discuss case progression, the parties' interest in settlement, and the trial and pretrial conference settings currently set for May 21, 2024, at 9:00 a.m. by telephone is continued and will be held with the undersigned magistrate judge on **October 29, 2024** at **10:00 a.m.** by telephone. Counsel shall use the conferencing instructions assigned to this case to participate in the conference.
- 2) The deadline for completing written discovery under Rules 33, 34, 36 and 45 of the Federal Rules of Civil Procedure is September 10, 2024. Motions to compel written discovery under Rules 33, 34, 36, and 45 must be filed by September 24, 2024.

**Note:** A motion to compel, to quash, or for a disputed protective order shall not be filed without first contacting the chambers of the undersigned magistrate judge to set a conference for discussing the parties' dispute.

- 3) The deadlines for complete expert disclosures<sup>1</sup> for all experts expected to testify at trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), are:

For the plaintiff(s): July 8, 2024.

For the defendant(s): August 9, 2024.

Plaintiff(s)' rebuttal: August 23, 2024.

- 4) The deposition deadline, including but not limited to depositions for oral testimony only under Rule 45, is October 21, 2024.
- a. The maximum number of depositions that may be taken by the plaintiffs as a group and the defendants as a group is 10.
- b. Depositions will be limited by Rule 30(d)(1), except that a deposition may be adjourned one day and restarted another day with the consent of the parties, as long as the total time questioning the deponent does not exceed seven hours.
- 5) The deadline for filing motions to dismiss and motions for summary judgment is November 25, 2024.
- 6) The deadline for filing motions to exclude testimony on *Daubert* and related grounds is November 25, 2024.
- 7) All other deadlines are unchanged.

Dated this 22nd day of February, 2024.

BY THE COURT:

s/ Jacqueline M. DeLuca

United States Magistrate Judge

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<sup>1</sup> While treating medical and mental health care providers are generally not considered "specially retained experts," not all their opinions relate to the care and treatment of a patient. Their opinion testimony is limited to what is stated within their treatment documentation. As to each such expert, any opinions which are not stated within that expert's treatment records and reports must be separately and timely disclosed.